

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING
Rules I through III pertaining to school) ON PROPOSED ADOPTION
crossing guards)

TO: All Concerned Persons

1. On May 14, 2014, at 10:00 a.m., the Montana Department of Justice will hold a public hearing in the auditorium of the Scott Hart Building, 302 North Roberts, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on May 7, 2014, to advise us of the nature of the accommodation that you need. Please contact Jaime Burkhalter, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail jburkhalter@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I TRAINING FOR ADULT SCHOOL CROSSING GUARDS

(1) An adult school crossing guard may be a school district employee or an adult volunteer member of the community. Training for adult school crossing guards may be provided by the school district or local law enforcement and should include:

- (a) safety issues for crossing guards and limitations of children as pedestrians;
- (b) review of basic traffic laws, school zone signs, and pavement markings;
- (c) methods of identifying traffic gaps and signaling drivers;
- (d) street-crossing procedures and ways to impart them to children; and
- (e) other information on traffic safety, injury prevention, and personal responsibility that the school district considers important for pedestrian safety and safe crossing operation.

AUTH: 20-1-214, MCA
IMP: 20-1-214, MCA

NEW RULE II SAFETY EQUIPMENT FOR ADULT CROSSING GUARDS

(1) Adults performing school crossing supervision shall wear high-visibility, retro reflective Class 2 safety apparel and use a STOP paddle in accordance with the sign manual adopted by the Department of Transportation.

AUTH: 20-1-214, MCA

IMP: 20-1-214, MCA

NEW RULE III OPERATING PROCEDURES FOR ADULT CROSSING GUARDS (1) Adult crossing guards shall not direct traffic or act in a manner similar to that used by a law enforcement officer at the scene of a crash or within an area of high-volume traffic. School crossing guards shall control only pedestrian traffic.

(2) Adult crossing guards shall direct and assist school-age children by identifying and utilizing gaps in traffic to help pedestrians safely cross a street. The school crossing guard shall identify and take advantage of a sufficient gap in the traffic flow. When safe, the school crossing guard shall stand in the roadway with a STOP paddle to alert motorists that pedestrians are in the process of using or waiting to use the crosswalk and that all vehicle traffic must stop and yield to pedestrians.

AUTH: 20-1-214, MCA

IMP: 20-1-214, MCA

REASON: 20-1-214, MCA, directs the Department of Justice to prescribe rules for school crossing guards. These rules are reasonably necessary to provide consistency for school crossing guard programs regarding the identification, training requirements, and operation of school crossing guards. With regard to protecting school-age children, a school crossing guard program can improve pedestrian, bicyclist, motor vehicle, and school bus safety. The effective involvement of schools, families, communities, and government agencies can increase traffic safety in school zones for all road users. In accordance with 20-1-214, MCA, the department has coordinated with the Department of Transportation and the Office of Public Instruction in adopting these rules.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Funk, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail pfunk@mt.gov, and must be received no later than 5:00 p.m., on May 22, 2014.

5. Peter Funk, Department of Justice, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's web site at <https://doj.mt.gov/agooffice/administrative-rules>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Matthew T. Cochenour
Matthew T. Cochenour
Rule Reviewer

/s/ Tim Fox
Tim Fox
Attorney General
Department of Justice

Certified to the Secretary of State April 14, 2014.